

September 17 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAIN THE SUPREME COURT OF THE STATE OF MONTANA
NO. DA 09-0322PLAINS GRAINS LIMITED PARTNERSHIP, a Montana limited
partnership; et al.,

Plaintiffs and Appellants,

v.

BOARD OF COUNTY COMMISSIONERS OF CASCADE
COUNTY, the governing body of the County of Cascade, acting by and
through Peggy S. Beltrone, Lance Olson and Joe Briggs,

Defendants and Appellees,

and

SOUTHERN MONTANA ELECTRIC GENERATION and
TRANSMISSION COOPERATIVE, INC.; the ESTATE OF DUANE
L. URQUHART; MARY URQUHART; SCOTT URQUHART; and
LINDA URQUHART,

Intervenors and Appellees/Cross-Appellants.

FILED

SEP 17 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

CORRECTED MOTION TO FILE OVER-LENGTH BRIEF (UNOPPOSED)

APPEARANCES:

Roger Sullivan
John F. Lacey
McGarvey, Heberling, Sullivan
& McGarvey, P.C.
745 South Main
Kalispell MT 59901
Ph: 406-752-5566
Fax: 406-752-7124
Email: rsullivan@mcgarveylaw.com

Elizabeth A. Best
Best Law Offices, P.C.
425 3rd Avenue North
P O Box 2114
Great Falls MT 59403
Ph: 406-452-2933
Fax: 406-452-9920
Email: bestlawoffices@qwest.net
Attorneys for Plaintiffs/Appellants

Alan F. McCormick
Garlington, Lohn & Robinson, PLLP
P O Box 7909
Missoula MT 59807-7909
Ph: 406-523-2500
Fax: 406-523-2595
Email: afmccormick@garlington.com

Brian Hopkins
Cascade Deputy County Attorney
121 - 4th Street North
Great Falls MT 59401
Ph: 406-454-6915
Fax: 406-454-6949
Email: bhopkins@co.cascade.mt.us
Attorneys for Defendants/Appellees

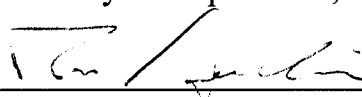
Gary M. Zadick
Mary K. Jaraczski
Ugrin, Alexander, Zadick & Higgins, PC
P O Box 1746
Great Falls MT 59403-1746
Ph: 406-771-0007
Fax: 406-452-9360
Email: gmz@uazh.com
Email: mkj@uazh.com
*Attorneys for Intervenors and
Appellees/Cross-Appellants SME/Urquharts*

Plaintiffs/Appellants (Plains Grains) initially submitted on yesterday's date their "Motion to File Over-Length Brief." In that motion, Plains Grains advised the Court that counsel for the County (Alan McCormick) has been contacted and does not oppose this motion. In addition, Plains Grains advised the Court that counsel for SME (Gary Zadick) has been contacted and opposes this motion. Plains Grains was mistaken as regards counsel for SME. Counsel for SME (Gary Zadick) has confirmed that SME does not oppose this motion to file an over-length brief. Apparently, counsel for Plains Grains had not clearly communicated to counsel for SME that it intended to file one consolidated brief limited to 10,000 words, addressing both SME's motion to dismiss, responding to SME's cross-appeal, and replying to the answering briefs of SME and the Board of Commissioners in regards to the issues raised by Plains Grains in its appeal.

In sum, Plains Grains' motion is unopposed. Plains Grains respectfully submits that its motion is in the interests of judicial economy and allows for a fair presentation of authorities on all issues before the Court. A form of order was submitted to the

Court with Plains Grains' filing of yesterday's date.

Respectfully submitted this 16th day of September, 2009.



Roger M. Sullivan
McGarvey, Heberling, Sullivan & McGarvey, PC
745 South Main
Kalispell MT 59901

Elizabeth A. Best
Best Law Offices, P.C.
425 3rd Avenue North
P O Box 2114
Great Falls MT 59403

Attorneys for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, 2009, a true and correct copy of the foregoing document has been served via U.S. First Class Mail upon the following:

Alan F. McCormick
Garlington, Lohn & Robinson, PLLP
199 West Pine
P O Box 7909
Missoula MT 59807-7909

Brian Hopkins
Cascade Deputy County Attorney
121 - 4th Street North
Great Falls MT 59401

Gary M. Zadick
Mary K. Jaraczski
Ugrin, Alexander, Zadick & Higgins, PC
#2 Railroad Square, Suite B
P O Box 1746
Great Falls MT 59403-1746



Linda M. Ranes